

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ross J. Oehler Cephalon, Inc. 41 Moores Road PO Box 4011 Frazer, PA 19355

MAILED
JUN 2 1 2010
OFFICE OF PETITIONS

In re Patent No. 7,541,493

Rose

Issue Date: June 2, 2009 Application No. 10/557,072

Filed: April 18 2006

Attorney Docket No. CP242 Title: Modafinil Synthesis

Process

: DECISION UPON REMAND AND

: RECONSIDERATION OF

: PATENT TERM ADJUSTMENT

: AND NOTICE OF INTENT

: TO ISSUE CERTIFICATE OF

: CORRECTION

:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in <a href="Wyeth & Elan Pharma Int'l Ltd. v. Kappos">Wyeth & Elan Pharma Int'l Ltd. v. Kappos</a>, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by five hundred seventy-six (576) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred seventy-six (576) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries

Patent No. 7,541,493 Application No. 10/557,072 Page 2 Senior Legal Advisor Attorney Office of Patent Legal Administration Office of Associate Commissioner For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

## UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION**

**PATENT** 

: 7,541,493 B2

DATED

: June 2, 2009

DRAFT

INVENTOR(S): Rose

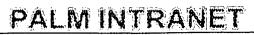
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

Subject to any disclaimer, the term of this patent is extended or adjusted [\*] Notice: under 35 USC 154(b) by 422 days

Delete the phrase "by 422 days" and insert – by 576 days--

Day: Thursday Date: 6/17/2010



Time: 10:55:09

PTA Calcu	ulations for Appli	cation: <u>10/557072</u>	
Application Filing Date:	04/18/2006	PTO Delay (PTO):	422
Issue Date of Patent:	06/02/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	576
PTO Delay Adjustment:	154		

		File Contents History	<del></del>		
Number	Date	Contents Description	PTO	APPL	START
43	06/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	154		
36.5	05/13/2009	PTA 36 MONTHS			
36	06/02/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
35	04/29/2009	EXPORT TO FINAL DATA CAPTURE			
34	04/28/2009	DISPATCH TO FDC			
33	04/28/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
32	04/27/2009	ISSUE FEE PAYMENT VERIFIED			
31	04/27/2009	ISSUE FEE PAYMENT RECEIVED			
30	03/11/2009	CORRESPONDENCE ADDRESS CHANGE			
29	03/05/2009	FINISHED INITIAL DATA CAPTURE			
28	02/03/2009	EXPORT TO INITIAL DATA CAPTURE			
27	01/28/2009	MAIL NOTICE OF ALLOWANCE	44		20
26	01/22/2009	ISSUE REVISION COMPLETED			
25	01/22/2009	DOCUMENT VERIFICATION			
24	01/22/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	01/22/2009	CASE DOCKETED TO EXAMINER IN GAU			
22	01/21/2009	NOTICE OF ALLOWABILITY			
21	09/19/2008	DATE FORWARDED TO EXAMINER			
20	08/15/2008	RESPONSE AFTER NON-FINAL ACTION			
19	07/24/2008	FILING RECEIPT - CORRECTED			
18	07/23/2008	FILING RECEIPT - CORRECTED			
17	06/30/2008	MAIL NON-FINAL REJECTION	378		-1
16	06/23/2008	NON-FINAL REJECTION			
		INFORMATION DISCLOSURE STATEMENT			

15	05/11/2006	CONSIDERED		
14	01/18/2008	CORRESPONDENCE ADDRESS CHANGE		
13	01/18/2007	PG-PUB ISSUE NOTIFICATION		
12	01/17/2007	CASE DOCKETED TO EXAMINER IN GAU		
11	05/11/2006	REFERENCE CAPTURE ON IDS		
10		IFW TSS PROCESSING BY TECH CENTER COMPLETE		
9	04/18/2006	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)		
8.7	05/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
8	05/11/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
7	04/18/2006	MISCELLANEOUS INCOMING LETTER		
4	10/11/2006	CLEARED BY OIPE CSR		
3	04/18/2006	371 COMPLETION DATE		
2	10/10/2006	APPLICATION DISPATCHED FROM OIPE		

Search Another: Application# Se
---------------------------------

## **EXPLANATION OF PTA CALCULATION**

## **EXPLANATION OF PTE CALCULATION**

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page